

The Protestants oppose the Motion for Continuance because, among other things, the Applicant's stated reasons for the continuance regarding unavailability is not supported by any documentary evidence. The Protestants also question the Applicant's good faith with regard to working with the community to address any licensing operational issues, noting a failure to appear at previous hearings and meetings.

The Board is not unsympathetic to the position of the Protestants, and fully understands that the protest process requires a great deal of time, energy and resources on the part of the citizenry. However, the Applicant is entitled to have his representative at the Protest Hearing as well as any expert witnesses he intends to call. The Board also notes that there is no prejudice to the Protestants by granting the continuance inasmuch as the Applicant is forbidden to operate outside of the hours currently approved by the Board.

Upon review and consideration of the Motion and the pleadings filed by all parties, the Board finds good cause to grant the Applicant's Motion for Continuance. No further continuances will be granted.

ORDER

For these reasons, the Board does hereby, this 21st day of November, 2018, **APPROVE** the request to continue the Protest Hearing.

The Board **FURTHER ORDERS** that the hearing previously scheduled for November 28, 2018 at 4:30 p.m. is now scheduled for February 6, 2019 at 1:30 p.m.

Copies of this Order shall be sent to the Applicant and the Group of Five or More Individuals.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson

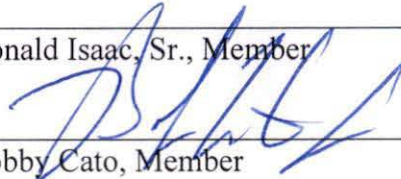
Nick Alberti, Member



Mike Silverstein, Member

James Short, Member

Donald Isaac, Sr., Member



Bobby Cato, Member

Rema Wahabzadah, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).